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**Via Federal Express**

Honorable Lawrence M. McKenna  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1640  
New York, New York 10007

**MEMO ENDORSED**

Re: Maxway International Co., Inc. v. PepsiCo, Inc.  
07 Civ 3634

Dear Judge McKenna:

We represent the plaintiff in the above matter.

As the Court is aware, the parties have reached an agreement in principal to resolve this case. That agreement is contingent upon a separate agreement between defendant and a third-party company located in China. We have been advised that substantial progress has been made toward finalizing the separate agreement between defendant and the third party. I am further advised that the principal of the third-party will be traveling to New York to finalize and sign the agreement this month.

Accordingly, counsel for both parties request that the deadlines set forth in the current Scheduling Order be stayed for an additional thirty (30) days. This is the second request for an extension of discovery deadlines.

*Granted. So ordered.*

Respectfully submitted,

*[Signature]*  
USDC SDNY 11/7/07

Dana M. Susman

cc: Margaret Dale, Esq. – Counsel for Defendant  
(via facsimile and email)

#268180.3

